## REMARKS

**Amendments**

Claim 1 is amended to use language in accordance with conventional US practice. In addition, claims 1-26 and 32 are amended to use language in accordance with conventional US practice and to delete superfluous and redundant language. These amendments do not narrow the scope of the claims. Claims 27, 28, 31 and 33 are converted into method claims, and claims 29-30 are converted into pharmaceutical composition claims.

New claims 34-44 are directed to further aspects of applicants' invention, and are supported throughout the disclosure. See, e.g., page 11, lines 3 and 34-36; page 13, lines 43-6; page 14, lines 3-24; page 16, line 14-page 17, line 14; and the exemplified compounds.

**Election**

In response to the Office Action mailed on January 31, 2006, applicants elect with traverse Group I.

Firstly, applicants request clarification as to the scope of subject matter for groups I-VI. Each of these groups is defined in terms of a single compound. It is not clear whether the scope of examination for each of these groups is to be limited to that single compound or whether the scope will include other structurally related compounds. If, as applicants assume, it is the latter, it is unclear what scope of structurally related compounds is to be examined for each group. Clarification is requested.

It is alleged in the Office Action that the compounds of Groups I-VI lack unity of invention. Applicants strongly disagree and request clarification as to how slight alterations in the substituents in these compounds demonstrate lack of unity of invention. For example, the compound identified in Group I and the compound in Group IV differ only by a single substituent, i.e. 3-aminomethyl vs. 3-aminocarbonyl. Similarly, the compounds in groups II, IV, and V differ only by one substituent on the pyrrolidinyl ring, i.e., thioxo vs. imino vs. methoxyimino. The compounds of Groups II and III also differ by only a single substituent, i.e. a 3-chloro substituent on a phenyl ring. Furthermore, Groups V and VI differ by only a single substituent, i.e. a methyl substituent on a phenyl ring. Thus, these compounds do not have variable groups with widely divergent meanings. The restriction fails to demonstrate

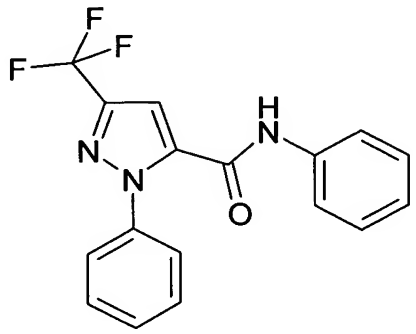
why the compounds identified in Groups I-VI lack unity of invention.

The alleged separate inventions of groups I-VI all stem from a class of related compounds disclosed in the specification as having the same general set of properties and utilities. They are certainly not unrelated, nor have they been shown to lack unity of invention. Thus, the basis for the restriction is not proper.

Annex B of the administrative instructions under the PCT, Part I, is directed to unity of invention under Rules 13.1 and 13.2. Section (d) under *Illustrations of Particular Situations* states that there are three particular situations for which the method for determining unity of invention contained in Rule 13.2 is explained in greater detail. One of these situations is "Markush Practice". See §(d)(ii) and §(f) of Annex B. Section (f) discusses in detail the Markush Practice situation. This section indicates that where a "Markush Grouping" is for alternatives of chemical compounds, they *shall* be regarded as being of a similar nature, and meeting the requirement of a same or corresponding technical feature, provided that they fulfill a specific set of criteria. Applicants traverse the restriction requirement on the grounds that the compounds identified in Groups I-VI fulfill the criteria of §(f) of Annex B:

(A) The compounds of Groups I-VI *have a common property or activity* since they all possess inhibitory activity against the activated coagulation protease, factor Xa.

(B)(1) The compounds of Groups I-VI *have a common structural element* since they all possess a significant core structure as outlined below.



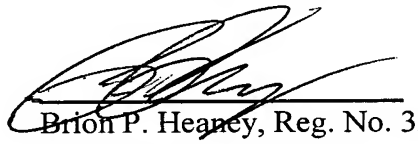

Further, since compounds listed in groups I-VI are similarly classified, and relate to a general inventive concept, i.e. compound(s) possessing inhibitory activity against factor Xa, a

search would therefore comprise overlapping subject matter, and would not impose an undue search burden on the Examiner. Applicants thus also traverse the Restriction Requirement on the basis that the Examiner has not established that examining all of the claims in the application would constitute a serious burden.

As for Groups VII-IX, these Groups are directed to processes for making compounds of Formula I, including compounds of Groups I-VI, methods of using same, and means designed for use with said compounds. These constitute part of the same invention as Groups I-VI. See §(e) of Annex B.

In view of the above remarks, withdrawal of the restriction requirement is respectfully requested. The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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